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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,276	11/27/2001	David B. Donahue	10547-0020-999	2346

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THE DIRECTV GROUP INC
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EXAMINER

NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/996,276

Applicant(s)

DONAHUE ET AL.

Examiner

Asad M Nawaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 recites the limitation "said DHCP server" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8, and 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bullman et al (US Patent No. 6,778,505), hereinafter referred to as Bullman.

As to claim 1, Bullman teaches a method for the automatic configuration of a bi-directional Internet Protocol (IP) communication device, comprising: broadcasting a request for basic configuration details, where said request contains a unique bi-

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directional IP communication device identifier associated with a unique user; (Abstract; cols 2 and 3, lines 64-67 and 1-39)

receiving said basic configuration details from a server, where said basic configuration details are assigned to said unique user based on said unique bi-directional IP communication device identifier; (Fig 4; col 3, lines 28-32)

and configuring said bi-directional IP communication device with said basic configuration details. (col 3, lines 20-28)

Claims 17 and 19 are essentially the communication device and the computer program product of the above mentioned method claim and are thus rejected under the same rationale.

As to claim 2, Bullman teaches the method of claim 1, wherein said broadcasting further comprises broadcasting said request for basic configuration details, including an IP address, to a Dynamic Host Configuration Protocol (DHCP) server, where said bi-directional IP communication device is a Digital Subscriber Line (DSL) gateway. (Abstract; col 2, lines 54-63; col 4, lines 52-67; col 5, lines 1-30)

Claims 18 and 20 are essentially the communication device and the computer program product of the above mentioned method claim and are thus rejected under the same rationale.

As to claim 3, Bullman teaches the method of claim 2, wherein said receiving comprises obtaining an IP address from said DHCP server. (col 4, lines 52-67; col 5, lines 1-30)

As to claim 4, Bullman teaches the method of claim 1, further comprising transmitting a configuration request for additional configuration details. (col 5, lines 20-47)

As to claim 5 Bullman teaches the method of claim 4, further comprising receiving said additional configuration details specific to said unique user. (col 5, lines 20-47)

As to claim 6, Bullman teaches the method of claim 5, further comprising configuring said bi-directional IP communication device with said additional configuration details. (col 3, lines 20-32; col 5, lines 49-67)

As to claim 8, Bullman teaches the method of claim 1, further comprising, before said broadcasting step, the step of automatically detecting a DSL communication circuit. (col 2, lines 53-63)

As to claim 11, Bullman teaches the method of claim 1, wherein said broadcasting comprises broadcasting a DHCP Discover request. (col 4, lines 52-63)

As to claim 12, Bullman teaches the method of claim 1, wherein said receiving comprises acquiring a DHCP Offer message from a DHCP server. (col 4, lines 46-57)

As to claim 13. Bullman teaches the method of claim 1, further comprising, prior to said configuring step, the steps of: sending a DHCP Request message to said DHCP server and receiving a DHCP acknowledge message from said DHCP server. (cols 4 and 5, lines 46-67 and 1-30)

As to claim 14, Bullman teaches the method of claim 1, wherein said broadcasting and receiving steps occur automatically without any communication

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between said bi-directional IP communication device and a client computer coupled to said bi-directional IP communication device. (Abstract; cols 2 and 3, lines 53-67 and 1-45)

As to claim 15, Bullman teaches the method of claim 1, further comprising, prior to said configuring step, the steps of: assigning said unique bi-directional IP communication device identifier to said bi-directional IP communication device; and associating said unique bi-directional IP communication device identifier with said unique user. (col 4, lines 52-67; col 5, lines 1-30)

As to claim 16, Bullman teaches the method of claim 15, further comprising generating a configuration table listing bi-directional IP communication device identifiers and associated users. (col 6, lines 50-60)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullman et al (US Patent No. 6,778,505), hereinafter referred to as Bullman further in view of Official Notice.

.As to claim 7, Bullman teaches the method of claim 1, further comprising, before said broadcasting step, the steps of: connecting said bi-directional IP communication device to an analog telephone line;(col 2, lines 53-67)

However, Bullman does not explicitly indicate that the said bi-directional IP communication device is powered on.

Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to power the device on prior to usage.

As to claim 9, Bullman teaches the method of claim 1, step of automatically determining connection details for communications between said bi-directional IP communication device and a communications network.(col 2 and 3, lines 53-67 and 1-30; col 4, lines 47-52)

However, Bullman does not explicitly indicate the connection being a PVC.

Official Notice, as evident by Microsoft's Computer Dictionary 5th Edition, is taken that It would have been obvious to one of ordinary skill in the art at the time of the invention to use a PVC connection in order to make the system more efficient. Data transmitted on a common carrier connection, such as one provided by a DSL provider or a telephone company, appears to be a dedicated link and thus there is no wait time for transmission of data (collision detection, token, etc.).

7. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullman et al (US Patent No. 6,778,505), hereinafter referred to as Bullman, further in view of Hassan-Ali et al (US Patent No 6,778,542) hereinafter referred to as Hassan-Ali.

As to claim 10, Bullman teaches the method of claim 9, however does not explicitly indicate the step of ascertaining a VPI/VCi (Virtual Path Identifier/Virtual Channel Identifier) pair for said communications.

Hassan-Ali teaches the step of ascertaining a VPI/VCi (Virtual Path Identifier/Virtual Channel Identifier) pair for said communications. (col 13, lines 17-33)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Hassan-Ali into those of Bullman to make the system more flexible. VPIs and VCIs only have local significance and can be easily implemented with translation tables. Furthermore, VPI/VCi pair allows identifiers to be re-used. This becomes a necessity due to their limited size. VPI/VCi pairs are known to be used within ATM networks, a capability that is taught by Bullman.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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